

## Witness expected to say surgeon offered to get case fixed for \$10,000

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A Paintsville doctor is expected to testify in Jefferson Circuit Court today that surgeon Diane Shafer offered to fix his medical licensure case in 1989 if Greg Holmes was assigned as the hearing officer.

Assistant Commonwealth's Attorney Wes Faulkner said that Dr. Magdi Fahmy will testify that Shafer offered, for \$10,000, to use her influence with Holmes, an assistant attorney general she later allegedly married while he was hearing disciplinary charges against her.

The testimony — if admitted by Judge Geoffrey Morris — would conclude the cases against Shafer, who is on trial for bribery, and Holmes, who also is charged with bribery and other offenses. Shafer is accused of inducing Holmes to recommend dismissal of her case by showering him with cash and taking him on fancy vacations.

In five days of testimony, Faulkner has used credit-card records in an attempt to show that Holmes and Shafer traveled together during and after his service as a hearing officer in Shafer's case before the Kentucky Board of Medical Licensure. A parade of witnesses also testified that the couple spent weekends together at a Lexington apartment Shafer leased.

Myra Lewyn, who lived in the adjacent apartment, said that she often saw the pair together, and that once between "2 or 3 in the morning" she heard a "muffled conversation" next door.

Her sister, Melinda Lewyn, testified that that one night she heard "rhythmic thumping" on the other

side of the wall.

Taxi driver Brenda Godbey, who has said she chauffeured Holmes to Lexington, testified that she saw Shafer place a wad of bills in Holmes' duffel bag. Another driver, Roy Oglesby, said he saw the pair embracing.

"When you saw them kiss, did either of them appear not to like it?" Faulkner asked.

"No," Oglesby answered, over the laughter of jurors.

Holmes, who is blind, contends he was never romantically involved with Shafer and was never wed to her. Besides bribery, he also is charged with theft for taking his state pay when he allegedly traveling with Shafer. And he is charged with bigamy for later marrying his secretary and longtime assistant, Kathryn Harmon, who is charged with theft for turning in many of Holmes' time sheets.

The commonwealth contends that Holmes and Shafer began consorting at least three months before Holmes urged dismissal of her disciplinary charges in January 1990.

Faulkner offered evidence that in October 1989 Shafer rented a hotel room for two in Columbus, Ohio, and that Holmes' telephone calling card was used for several calls from that room. Those included calls to Holmes' pager, to his residence and to a woman he once dated in Sellersburg, Ind.

Holmes has contended that Shafer improperly billed calls and other expenses to his credit cards. But in cross-examination of witnesses, his lawyer Joseph Harkins, failed to elicit an explanation of how Shafer obtained his credit-card numbers or why she would have

wanted to call one of his girlfriends.

Shafer's former lab technician, Nancy Coleman, testified yesterday that she was traveling with Shafer in May 1990 when the surgeon met Holmes at a medical meeting in New York. Coleman said Shafer picked up the tab for a dinner with Holmes and other guests at the lavish Windows on the World atop the World Trade Center.

On cross-examination, however, she admitted that Holmes returned the favor the next night, paying for a meal at the exclusive "21" Club.

Coleman also acknowledged that Shafer and Holmes did not display the affection toward each other one would expect of newlyweds. "There was no kissie-poo," she said.

Shafer has admitted that she traveled with Holmes and loved and married him. She has contended it was not because she wanted him to drop her case.

A note she jotted down eight days before the couple were allegedly wed Dec. 29, 1989, however, suggests that Shafer knew in advance that Holmes would recommend dismissal. "Greg dismisses the case," she wrote in the note, which was introduced into evidence.

With the jury absent, Shafer's attorney, Grover Cox, said yesterday he will object to allowing Fahmy to testify that Shafer offered to fix his case. Cox said that it would be "prejudicial" to his client to introduce evidence of an "uncharged criminal act." Rules of evidence permit such testimony to show a pattern of conduct.

Fahmy's attorney, Gregg Neal, said in an interview that Fahmy declined Shafer's alleged offer to intercede.